

17. (Amended) A motor vehicle alternator comprising:

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a plinth adapted to support a diode having a casing, wherein the diode casing is welded to the plinth, the plinth comprising (a) a plug portion adapted to be force-fitted into an aperture and defining an axis of the plinth, and (b) an abutment portion projecting with respect to the plug portion in a direction radial to said axis,

wherein the plug portion has a smaller radius than the abutment portion and a diode affixed to the plinth.

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

A. Status Of Pending Claims

Claims 1 through 17 are pending. Claims 5-7 and 17 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claims 5 and 17 have been amended to explicitly recite features which were previously implicitly recited by reference to claim 1. These amendments do not add new matter to this application.

Withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested because the above amendment clarifies that claims 5-7 are directed to "An Assembly" and claim 17 is directed to "A motor vehicle alternator." Entry of these amendments is requested pursuant to 37 CFR § 1.116(b) as seeking to comply with matters of form set forth in the office action.

Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,828,564 to Mori et al. ("Mori") and U.S. Patent No. 5,982,062 to Gautier ("Gautier"), U.S. Patent No. 5,883,450 to Abadia et al. ("Abadia") and U.S. Patent No. 4,472,649 to Namba et al. ("Namba").¹

B. Claims 1-17 Are Patentably Distinct From Mori, Gautier And The Various Secondary References

Applicant's claim 1 is directed to a plinth having a "plug portion" and "an abutment portion." As depicted in Figure 2, that abutment portion is adapted to come into engagement against the support. As explained in Applicant's specification, this arrangement permits precise axial position of the diode with respect to the support. It also facilitates the fitting of the diode from an opposite side of the support from the stator.

As discussed below, that "abutment portion" is absent from the disclosure of Mori, Gautier and Abadia, but is allegedly shown in Namba. However, MPEP § 2143.01 requires a showing that there is a suggestion or motivation to so modify the references, separate and apart from Applicant's disclosure. That showing is absent here, and allowance is respectfully requested.

1. Proper Suggest Or Motivation To Modify Is Absent

The Examiner relies upon Mori as allegedly showing a diode, Gautier as allegedly showing diodes fixed within a cavity, and Abadia as allegedly showing the equivalence of

¹ The Office Action erroneously indicates that claims 1, 2, 3, 5-13 and 17 were rejected under § 103 as being unpatentable over Mori in view of Gautier in view of Abadia. 3/8/01 Office Action at p. 3. However, the statement of the rejection refers to Namba. Accordingly, Applicant's understand that all 4 references are cited against the above claims.

welding and soldering. But even by cobbling together these three references, the Examiner is unable to show all of the elements of claim 1.

To show “an abutment portion projecting with respect to the plug portion in a direction radial to said axis” as recited in that claim, the Examiner further relies upon Namba (figure 11). However, the only suggestion or motivation to so modify the references is explained as follows: “It would have been obvious to a person skilled in the art at the time of the invention to consider the diode support of Mori ... with the abutment portion of Namba to help secure the plinth in the hole.” 3/8/01 Office Action at p. 4.

That rationale is illogical and confuses Applicant’s “abutment portion” with the “plug portion” of the plinth. The plug portion protrudes into the hole and secures the plinth in the hole. See Applicant’s Figure 6. The abutment portion does not secure the plinth in the hole.

Indeed, at Namba’s Col. 5, line 57 – Col. 6, line 9, a “fourth embodiment” shown in Figure 11 is described. That disclosure is silent as to the purpose of the “abutment portion” that is allegedly shown in the structure of Figure 11.

The only disclosure of a purpose for the claimed “abutment portion” is shown in Applicant’s disclosure – to permit precise axial position of the diode with respect to the support and to facilitate the fitting of the diode from an opposite side of the support from the stator. To guard against improper hindsight, it is well settled that a motivation or suggestion to modify cited references may not be taken from Applicant’s own disclosure, but must be found from the references themselves.

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Because this showing was not made, the office action improperly rejected independent claims 1, 5, 11 and 17, and their dependent claims 2-4, 6-10 and 12-16. See MPEP § 2143.01. Withdrawal of these rejections is respectfully requested.

CONCLUSION

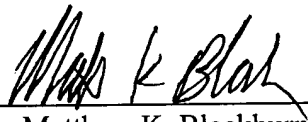
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. The Applicant respectfully requests an early and favorable examination on the merits. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

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By: _____


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APPENDIX

(Claims with interlineated changes shown)

5. (Twice Amended) An assembly comprising:

a diode having a casing and

a plinth [according to Claim 1, said casing being fixed to the plinth] welded to the diode casing, the plinth comprising (a) a plug portion adapted to be force-fitted into an aperture and defining an axis of the plinth, and (b) an abutment portion projecting with respect to the plug portion in a direction radial to said axis,

wherein the plug portion has a smaller radius than the abutment portion.

17. (Amended) A motor vehicle alternator comprising:

[the] a plinth [according to claim 1] adapted to support a diode having a casing, wherein the diode casing is welded to the plinth, the plinth comprising (a) a plug portion adapted to be force-fitted into an aperture and defining an axis of the plinth, and (b) an abutment portion projecting with respect to the plug portion in a direction radial to said axis,

wherein the plug portion has a smaller radius than the abutment portion and a diode affixed to the plinth.